

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10554 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

DIVISIONAL CONTROLLER

Versus

VINUBHAI KHUSHALDAS PARMAR

Appearance:

MR YOGESH S LAKHANI for Petitioner

MR GK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 19/07/2000

ORAL JUDGEMENT

#. Heard Mr. Y.S.Lakhani, the learned counsel on behalf of the petitioner. I have also heard Mr. G.K.Rathod learned counsel on behalf of the respondent workman.

#. The respondent was working as an unskilled labourer

under the Gujarat State Road Transport Corporation (hereinafter referred to as the Corporation) as and when work was available with the Corporation. The Corporation paid him wages on daily wage basis. Since the respondent was not being allotted the work, he raised an industrial dispute and the dispute has been referred to the Industrial Tribunal, Baroda which registered the case as Ref.(IT) No. 111 of 1999. The respondent in the aforesaid reference prayed for regularisation of his services as a permanent workman. The reference is still pending and during the pendency of that reference, an application was filed by the respondent which has been numbered as Complaint (IT) No.41 of 1999 and in that complaint, interim order has been passed by the Tribunal directing the petitioner Corporation to provide the respondent work as the Corporation used to provide him on earlier point of time till the disposal of the main reference. Having felt aggrieved by the said order, the Corporation has filed this petition. Mr. Y.S.Lakhani learned counsel on behalf of the corporation submitted that the petitioner has already provided work to the respondent as and when the work is available and therefore, the Tribunal should not have passed the order directing the corporation to provide him work. Mr. G.K.Rathod learned counsel on behalf of the respondent submitted that when the reference was made, the respondent was not being given work by the Corporation but after sometime the Corporation has given work of 10-15 days in a month to the respondent. Mr.Rathod learned counsel on behalf of the respondent fairly submitted that even if work for 30 days in a month is available, the respondent does not expect the work for 30 days. But if he is given work for the minimum number of days, till the disposal of the main reference, he will be satisfied. It is an admitted fact that at present the respondent is working as a daily wager and the Corporation is maintaining some records for such daily wagers. Therefore, I am of the view that the Corporation should provide the respondent with work as and when it is available and he should not be deprived of getting work. I do not find any ground to interfere with the order passed by the Tribunal and therefore, the SCA is accordingly disposed of. No order as to costs.

(P.K.Sarkar.J)